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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SAGE HUMPHRIES, GINA MENICHINO,  
ROSEMARIE DeANGELO, DANIELLE  
GUTIERREZ and JANE DOE 100,

Plaintiffs,

vs.

MITCHELL TAYLOR BUTTON and  
DUSTY BUTTON,

Defendants.

Case Number: 2:21-cv-01412-APG-VCF

**MOTION FOR LEAVE TO PROCEED  
ANONYMOUSLY AND FOR A  
PROTECTIVE ORDER**

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**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law in support of Plaintiff's motion for leave to proceed anonymously and for a protective order, dated October 13, 2021, Plaintiff Jane Doe 100 will move this Court for an order granting Plaintiff's motion for leave to proceed anonymously and for a protective order in this action.

Dated: October 13, 2021.

/s/ Lindsey Ruff

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1 **MEMORANDUM OF LAW**

2 Plaintiff Jane Doe 100 (“Plaintiff”), by and through her undersigned attorneys,  
3 respectfully submits this memorandum of law in support of her motion for leave to proceed  
4 anonymously and for a protective order.

5 **PRELIMINARY STATEMENT**

6  
7 This lawsuit arises out of Mitchell Taylor Button and Dusty Button’s (together, “the  
8 Buttons” or “Defendants”) years-long scheme to exploit their positions of power and influence  
9 in the dance world to sexually abuse young dancers across the country. [See ECF No. 18  
10 (“Amended Complaint”) ¶ 2.] Defendants’ scheme included manipulating and raping Plaintiff  
11 when Plaintiff was a minor. *Id.* ¶¶ 110–26. Releasing Plaintiff’s name to the public will expose  
12 the trauma she suffered as a child and will tie Plaintiff’s name to some of her darkest moments  
13 in perpetuity. Using her real name in this litigation would therefore cause Plaintiff significant  
14 harm and distress and would inhibit her ability to heal.

15 Plaintiff’s need for privacy outweighs any risk of prejudice to Defendants. Plaintiff  
16 agrees to disclose her name to Defendants subject to a protective order preventing Defendants  
17 from publicly exposing her identity. *See* Declaration of L. Ruff. Accordingly, Defendants’  
18 ability to investigate Plaintiff’s claims and mount a defense will not be compromised. Further,  
19 allowing Plaintiff to proceed anonymously will further the public interest because forced  
20 disclosure of her identity could deter other victims of sexual assault from coming forward.

21 **ARGUMENT**

22  
23 Although Rule 10(a) of the Federal Rules of Civil Procedure provides that “[t]he title of  
24 [a] complaint must name all the parties,” the Ninth Circuit has recognized that use of a  
25 pseudonym can be appropriate under “special circumstances” to protect against “harassment,  
26 injury, ridicule or personal embarrassment.” *Does I thru XXIII v. Advanced Textile Corp.*, 214  
27 F.3d 1058, 1067–68 (9th Cir. 2000). In conducting this analysis, courts balance a party’s need

for secrecy with (1) prejudice to the opposing party and (2) the public interest. *Id.* at 1067. Where, as here, a case involves allegations of sexual assault, “several courts” have concluded that “any prejudice the defendant may face does not favor requiring the plaintiff to disclose her identity,” and “the public’s interest in allowing alleged victims of sexual assault to proceed anonymously outweighs any public interest in the plaintiff’s identity.” *Doe v. Mt. Diablo Unified Sch. Dist.*, 2018 WL 2317804, at \*1 (N.D. Cal. May 22, 2018).

### **I. Plaintiff’s Need for Anonymity**

The Ninth Circuit allows plaintiffs to use pseudonyms when anonymity is necessary “to preserve privacy in a matter of sensitive and highly personal nature.” *Advanced Textile*, 214 F.3d at 1068. Plaintiff’s allegations of sexual assault could not be more sensitive. *See Doe No. 2 v. Kolko*, 242 F.R.D. 193, 195 (E.D.N.Y. 2006) (“[S]exual assault victims are a paradigmatic example of those entitled to a grant of anonymity”). Her claims require disclosure and examination of highly personal information, including a rape that occurred when Plaintiff was a child, as well as potential photos and videos of that rape. *See* Amended Complaint ¶¶ 120–24; *Doe v. Penzato*, 2011 WL 1833007, at \*3 (N.D. Cal. May 13, 2011) (granting motion to proceed anonymously where claims involved “the emotional and psychological impact of being a victim of human trafficking and sexual battery”). Plaintiff’s claims center on the most degrading and painful moments of her life, warranting anonymity in this case. *See Jordan v. Gardner*, 986 F.2d 1521, 1525 n.4 (9th Cir. 1990) (“In keeping with the tradition of not revealing names of the victims of sexual assault, we use initials here to protect the privacy.”).<sup>1</sup>

Public scrutiny would cause Plaintiff precisely the injuries for which she is seeking redress in this case: severe emotional distress, humiliation, mental anguish, loss of dignity and self-esteem, and damage to her reputation and career. *See Penzato*, 2011 WL 1833007, at \*5

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<sup>1</sup> Unlike cases where anonymity is warranted to prevent retaliation, where, as here, anonymity is warranted to preserve privacy in a sensitive and highly personal matter, “allegations do not require substantiation of future harm.” *Al Otro Lado, Inc. v. Nielsen*, 2017 WL 6541446, at \*4 (S.D. Cal. Dec. 20, 2017).

1 (“Courts recognize that plaintiffs may be permitted to proceed anonymously where there are  
2 allegations of sexual assault, and they may fear public exposure and the stigma of having been  
3 victim to such a crime.”). If Plaintiff is forced to reveal her true identity, the invasion of privacy  
4 and potential stigmatization she will face will only amplify the injury at the heart of this  
5 litigation. *Mt. Diablo*, 2018 WL 2317804, at \*2 (“Such personal embarrassment and emotional  
6 injury outweighs any potential prejudice to Defendant.”).

## 7 **II. Lack of Prejudice to Defendants**

8  
9 Defendants will suffer no prejudice because Plaintiff agrees to disclose her name to  
10 Defendants subject to a protective order preventing Defendants from publicly exposing her  
11 identity. *Al Otro Lado*, 2017 WL 6541446, at \*6 (“The Court finds no prejudice here because  
12 Defendants know the true identities of the Individual Plaintiffs”). As such, Defendants ability  
13 to conduct discovery and defend against Plaintiff’s claims will be unaffected. *See, e.g.,*  
14 *E.E.O.C. v. ABM Indus. Inc.*, 249 F.R.D. 588, 594 (E.D. Cal. 2008) (granting motion to proceed  
15 anonymously where “[a]pplicants have offered to stipulate to protective orders or other  
16 mechanisms to provide Defendants an opportunity to conduct meaningful discovery”).

## 17 **III. Anonymity Would Serve the Public Interest**

18  
19 Shielding Plaintiff’s identity from the public will not offend the public interest because  
20 although the public has an interest in Defendants’ life and crimes generally, Plaintiff is not a  
21 public figure, and her identity is of no particular public importance. The public’s interest in  
22 this case is not in Plaintiff’s identity, but rather, in the crimes Defendants committed against  
23 Plaintiff and countless other victims.

24 To the contrary, allowing Plaintiff to proceed anonymously “serves a strong public  
25 interest in protecting” the identity of sexual assault victims “so that other victims will not be  
26 deterred from reporting such crimes.” *Mt. Diablo*, 2018 WL 2317804, at \*2; *see Al Otro Lado*,  
27 2017 WL 6541446, at \*4 (“Anonymity for sexual assault survivors is particularly appropriate

given that a rule to the contrary might deter public disclosure of such conduct.”). Protecting Plaintiff’s privacy will ensure that public scrutiny of her story will not have a chilling effect on other victims’ willingness to share their experience.

**CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that the Court grant her motion to proceed anonymously and for a protective order.

Dated: October 13, 2021

Respectfully Submitted,

/s/ Lindsey Ruff

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing *Motion for Leave to Proceed Anonymously and for a Protective Order, Declaration of Lindsey Ruff in Support of Plaintiff's Motion to Proceed Anonymously and for a Protective Order, [Proposed] Order on Motion to Proceed Anonymously, and [Proposed] Protective Order* was served on October 13, 2021 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Shilah Wisniewski  
Shilah Wisniewski, an Employee of  
Boies Schiller Flexner LLP